

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

---

JANIS SHUMWAY,

Plaintiff,

v.

2:21-cv-02303-SHL-atc

KAMLESHBHAI J PATEL d/b/a OAKLAND INN, and  
CHAYA K ETUX d/b/a OAKLAND INN, Individually,

Defendants.

---

**DEFENDANTS' MOTION TO DISMISS COMPLAINT**

---

Pursuant to Rules 12(b)(1), 12(b)(4), 12(b)(5), and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Kamleshbhai J. Patel d/b/a Oakland Inn and Chhaya Patel (incorrectly identified in the Complaint as Chaya K. Etux) d/b/a Oakland Inn, Individually, (collectively, “Defendants”) move this Court for an Order dismissing the Complaint of Plaintiff Janis Shumway (“Shumway”) on the grounds Shumway lacks standing and, therefore, the Court lacks subject matter jurisdiction over this action. Further, Shumway failed to correctly name and, therefore, correctly issue process as to Mrs. Patel; failed to personally serve process upon Mrs. Patel; and, therefore, neither issuance nor service of process is sufficient as to Mrs. Patel. Further, the Complaint fails to state a claim upon which relief may be granted as a matter of law.

In support of their motion, Defendants rely upon their Memorandum of Law filed simultaneously herewith and the entire record of this cause. The following exhibit is attached and incorporated into this motion:

A. List of Lawsuits Filed by Plaintiff Janis Shumway Since October 30, 2020.

Dated: June 10, 2021.

Respectfully submitted,

HARRIS SHELTON HANOVER WALSH, PLLC

By: /s/ Henry B. Talbot

Jeffrey L. Griffin #20760

Laura S. Martin #26457

Henry B. Talbot #32396

6060 Primacy Parkway, Suite 100

Memphis, Tennessee 38119

(901) 525-1455

[jgriffin@harrisshelton.com](mailto:jgriffin@harrisshelton.com)

[lmartin@harrisshelton.com](mailto:lmartin@harrisshelton.com)

[htalbot@harrisshelton.com](mailto:htalbot@harrisshelton.com)

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I certify that on the 10th day of June 2021, a true and correct copy of the foregoing was served via the Court's ECF system to the following:

Kimberly A. Corkill  
Thomas B. Bacon, P.A.  
7 N. Coyle Street  
Pensacola, FL 32502  
[kimberlyatlaw@gmail.com](mailto:kimberlyatlaw@gmail.com)

/s/ Henry B. Talbot